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308-9797

Paper 117

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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WILLIAM HARRIS,  
CHRISTOPHER HUW HILL, and IAN EDWARD DAVID SMITH  
(6,150,373),  
Junior Party,

v.

ELLEN MYRA DOBRUSIN,  
JAMES MARINO HAMBY, JAMES BERNARD KRAMER,  
MEL CONRAD SCHROEDER, HOWARD DANIEL HOLLIS SHOWALTER,  
PETER TOOGOOD, and SUSANNE A. TRUMPP-KALLMEYER  
(09/623,737),  
Senior Party.

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Interference No. 104,798

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Before SCHAFER, TORCZON, and NAGUMO, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

**JUDGMENT – RULE 640**

Upon consideration of the decisions in Papers 99, 109, and 116, and the order to show cause against Harris (Paper 102)–

ORDERED that judgment on priority as to Count 1 is awarded against junior party Harris;

FURTHER ORDERED that Harris is not entitled to a patent containing claim 1 of Harris's 6,150,373 patent, which corresponds to Count 1;

FURTHER ORDERED that senior party Dobrusin is not entitled to a patent containing claims to the subject matter of claims 1, 2, 7, 8, 43, 47, 54, 55, 58, 67, and 75 of Dobrusin's 09/623,737 application, which correspond to Count 1;

FURTHER ORDERED that, on the record of this interference, Dobrusin is entitled to a patent containing a claim to the subject matter of amended claims 56, 59, and 60 of Dobrusin's 09/623,737 application, which correspond to Count 1; and

FURTHER ORDERED that a copy of this decision be entered in the administrative record of Harris's 6,150,373 patent and of Dobrusin's 09/623,737 application.

RICHARD E. SCHAFER  
Administrative Patent Judge

RICHARD TORCZON  
Administrative Patent Judge

MARK NAGUMO  
Administrative Patent Judge

BOARD OF  
PATENT  
APPEALS AND  
INTERFERENCES

INTERFERENCE  
TRIAL SECTION

cc (electronic mail):

Counsel for Harris (Hoffman-La Roche Inc.): **Stephen M. Haracz** and **Kevin C. Hooper** of BRYAN CAVE LLP.

Counsel for Dobrusin (Warner-Lambert Co.): **Rudolf E. Hutz** and **Ashley I. Pezzner** of CONNOLLY BOVE LODGE & HUTZ.